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6 FABIAN GARCIA-PALACIO

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 FABIAN GARCIA-PALACIO,
15 Defendant,
16

Case No. 1:20-mj-00074-SKO

STIPULATION TO MODIFY TERM OF
PRETRIAL RELEASE; ORDER

JUDGE: Hon. Sheila K. Oberto

17 **IT IS HEREBY STIPULATED** by and between the parties hereto through their respective
18 counsel, that Fabian Garcia-Palacio's order of pretrial release be modified in that Mr. Garcia-
19 Palacio's location monitoring condition be changed from home incarceration to a curfew.

20 On July 23, 2020, Mr. Garcia-Palacio was released on pretrial supervision with location
21 monitoring with home incarceration, and a \$2,000.00 cash bond. Since that time, he has
22 appeared in court when required, he is participating in substance abuse treatment, he has
23 maintained a stable residence with his mother/third-party custodian and siblings, he has not had
24 any contact with law enforcement, he has not had contact with co-defendants, and he has
25 complied with all of the rules and regulations of Pretrial Services, including the requirements of
26 location monitoring program.

27 Mr. Garcia-Palacio is also participating in the Better Choices Court Program and has his
28 4th appearance scheduled for December 16, 2020. He is scheduled to resume adult education

1 courses in January to obtain his high school diploma and is hoping to be able to start working in
2 order to help out his family. One aspect of the Better Choices Court Program is for participants
3 to become more responsible, and securing gainful employment is one area that the program
4 focuses on.

5 Pretrial Services has spoken with Mr. Garcia-Palacio's mother/third-party custodian at
6 length, and she feels comfortable with the reduced restrictions and feels confident that the
7 defendant will continue to comply with all conditions of release and will ensure he is only
8 leaving the house for employment or appropriate reasons. Based on these factors, and the fact
9 that he is still subject to a \$2,000.00 secured cash bond, Pretrial Services recommends changing
10 the location monitoring condition from home incarceration to a curfew. The proposed curfew
11 would be 7:00 p.m. to 7:00 a.m.

12 All other conditions remain in full force and effect. Supervising Pretrial Services Officer
13 Frank Guerrero has no objection to the requested modification. The Government does not object.

14 Respectfully submitted,

15 MCGREGOR SCOTT
16 United States Attorney

17 DATED: December 16, 2020

/s/ Justin J. Gilio
18 JUSTIN J. GILIO
19 Assistant United States Attorney
Attorney for Plaintiff

20 HEATHER E. WILLIAMS
21 Federal Defender

22 DATED: December 16, 2020

/s/ Benjamin Gerson
23 BENJAMIN GERSON
24 Assistant Federal Defender
Attorneys for Defendant
25 FABIAN GARCIA-PALACIO
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ORDER

IT IS SO ORDERED that the conditions of Mr. Garcia-Palacio's pretrial release be modified from home incarceration to curfew, such curfew extending from 7:00 p.m. to 7:00 a.m. daily. All other conditions remain in full force and effect.

IT IS SO ORDERED.

Dated: **December 16, 2020**



UNITED STATES MAGISTRATE JUDGE